



PUBLIC NOTICE

Federal Communications Commission
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DA 02-2487

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON HIGHLAND
CELLULAR TELEPHONE, INC. PETITION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN VIRGINIA**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: October 2, 2002

Comment Date: October 15, 2002

Reply Comment Date: October 22, 2002

On September 19, 2002, Highland Cellular, Inc. (Highland) filed with the Commission a petition under section 214(e)(6) seeking designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered throughout its licensed service area in the state of Virginia.¹ Specifically, Highland contends that: (1) the Virginia State Corporation Commission (Virginia Commission) has provided an affirmative statement that it does not regulate commercial mobile radio service (CMRS) carriers and that Highland should apply to the Commission for ETC designation;² (2) Highland satisfies all the statutory and regulatory prerequisites for ETC designation;³ and (3) designating Highland as an ETC will serve the public interest.⁴ The Wireline Competition Bureau seeks comment on the Highland Petition.

¹ See *Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, filed September 19, 2002 ("Highland Petition").

² See *id.* at 2-4; Exhibit A, Virginia State Corporation Commission Order (January 9, 2002) (stating that the Virginia Commission has not asserted jurisdiction over CMRS carriers and directing Virginia Cellular to file for ETC designation with the FCC).

³ See *id.* at 4-9.

⁴ See *id.* at 15-18.

Pursuant to section 54.207(c) of the Commission's rules,⁵ Highland also requests that the Commission designate Highland as an ETC in a service area defined along boundaries that differ from rural LEC study area boundaries.⁶ The service area requested by Highland for ETC designation only partially covers the study area of United Telephone Company – Southeast Virginia (UTC).⁷ Highland maintains that the proposed redefinition of UTC's service area is consistent with the factors to be considered when redefining a rural telephone company service area, as enumerated by the Federal-State Joint Board on Universal Service (Joint Board).⁸ The Wireline Competition Bureau seeks comment on the Highland Petition.

The petitioner must provide copies of its petition to the Virginia Commission at the time of filing with the Commission. The Commission will also send a copy of this Public Notice to the Virginia Commission by overnight express mail to ensure that the Virginia Commission is notified of the notice and comment period.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before October 15, 2002, and reply comments on or before October 22, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁹

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to <ecfs@fcc.gov>, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

⁵ See 47 C.F.R. § 54.207(c) (outlining the requirements for petitions seeking to redefine a service area of a rural telephone company).

⁶ Highland Petition at 11-15. Under section 214(e)(5), in the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board, establish a different definition of "service area" for such company. 47 U.S.C. § 214(e)(5).

⁷ *Id.* at 13-15.

⁸ *Id.* at 13-15. The Joint Board has enumerated the following three factors to be considered when redefining a rural service area: (1) whether the competitive carrier is engaged in "cream skimming," (2) whether the rural local exchange carrier's (LEC) special status under the Act will be duly recognized in the proceeding, (3) whether a redefinition of service area would impose an additional administrative burden for the LEC. See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Recommended Decision, 12 FCC Rcd 87, 179-80, ¶¶ 172-74 (1996).

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Romanda L. Williams, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.

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